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SMIG

SUBJECT: FRANCE: NINTH ANNUAL TRAFFICKING IN PERSONS (TIP)
REPORT

REF: SECSTATE 132759

11. (SBU) SUMMARY: In 2008 France took significant steps to combat trafficking in persons, ratifying the EU convention on Action Against Trafficking in Persons and changing the French anti-trafficking law to better prosecute forced labor violations. The French government used its anti-trafficking law to secure the extradition of four Bulgarian nationals implicated in the smuggling of 72 women into France as part of a prostitution ring. France remains a destination country for trafficking victims, mainly women trafficked for prostitution from Eastern Europe and Africa. There are between 15,000 and 20,000 prostitutes in France, of which the Government of France in 2008 identified 1,300 as likely victims of trafficking. In France, prostitution is legal, but pimping and trafficking are illegal. Violators face serious penalties, commensurate with those for rape. France views itself as a European leader in pro-actively combating trafficking because French laws allow police to investigate and monitor trafficking rings before victims file complaints. France combats trafficking through well-enforced, extensive legislation; a centralized trafficking police force; the provision of temporary residence permits to trafficking victims; diplomatic initiatives with source countries; and coordinated work between government and non-government anti-trafficking actors. The Ministry of Interior dismantled 33 networks in 2007 and 30 in 2008. END SUMMARY.

12. (U) Answers below are keyed to section and paragraph numbers in reftel. Embassy Paris TIP point of contact is Jerome Hohman, hohmanjp@state.gov. Phone 33 1 43 12 26 14 (or IVG 8-498-2614), fax 33 1 43 12 26 63.

Time spent on TIP report:
FS-03 poloff: 40 hours
LES-9: 30 hours
FS-1 Deputy Political Counselor: 3 hours review

13. (SBU) FRANCE'S TIP SITUATION:

-- A. The numbers provided by France's national Central Office for the Repression of Trafficking in Persons (OCRTEH) are reliable; however, since many prosecutors still use the anti-pimping, as opposed to anti-trafficking, laws to prosecute traffickers, extrapolating an assessment of trafficking from the arrest data is an exercise in inference.

In addition, French data on trafficking are not released until March; therefore part of this report relies on 2007 data (unless where otherwise noted). OCRTEH estimates the numbers and origin of prostitutes from statistics of those arrested for solicitation, which was criminalized in the 2003 Internal Security Law (LSI). OCRTEH reported that in 2007, the national police identified approximately 2,000 persons for soliciting. They estimate that 1,300 of these were

victims of trafficking in 2008.

-- B. France is a destination country for trafficked persons, mainly women trafficked for prostitution from Eastern Europe (Romania and Bulgaria), Africa (Nigeria and Cameroon), and some from South America and Asia (China and Malaysia). France's national Central Office for the Repression of Trafficking in Persons (OCRTEH) with assistance from the Ministry of Justice releases data every March on trafficking and prostitution. OCRTEH estimates that there are between 15,000 and 20,000 prostitutes in France, of which of which about 80 percent -- between 12,000 and 14,400 -- are foreigners and thus likely to be trafficking victims. The Government of France in 2008 identified 1,300 as likely victims of trafficking. There have been no destination changes in trafficked persons to France since the last TIP report.

-- C. Victims of trafficking in France are often exploited by large, well-organized, international criminal groups. OCRTEH reported that 30 networks were dismantled in 2008. The director of OCRTEH Jean-Marc Souvira reported that the conditions that victims face vary widely in France. Victims are trafficked into luxury brothels, peep shows, or onto the street. Increasingly, the traffickers also use the internet to prostitute victims. Many trafficking victims are in France legally. France does not require visas for visitors from Romania or Bulgaria, two of the largest source countries, for visits of less than 90 days.

-- D. While the majority of trafficking victims in France are brought to work in the sex trade, there is also clandestine forced labor, primarily of young women and girls, as domestic

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workers. Since domestic slavery is by its nature hidden (the victims are kept working inside, and often permitted no leave time, and have no interchange with the outside world that would allow them to tell their story), the Committee Against Modern Slavery (CCEM) finds it difficult to estimate the numbers of victims. Since its founding in 1994, CCEM has assisted over 500 victims, of which a majority are African and 70 percent are women. Nearly 30 percent arrived on French territory as minors. In these cases, the CCEM is often contacted by concerned neighbors or social services. The CCEM also notes that in many cases, the "employers" are diplomats serving in France, enjoying diplomatic immunity. The CCEM reported that the Saudi Arabian diplomatic community has often violated French labor laws.

-- E. French-EU immigration laws make pre-identification of victims difficult. Since Romanians and Bulgarians do not need visas and immigration and border controls can be porous, it is relatively easy for traffickers and victims to enter France undetected. The OCRTEH reports that traffickers often acquire fake Sudanese passports (Sudanese citizens receive asylum in France) or fake Romanian passports (Moldovan victims often travel as Romanians). A large part of metropolitan French border-monitoring has been subsumed to the Schengen Treaty border control. This covers all of France's land borders and some of its air traffic as well; persons arriving by air, train, and car in France from other Schengen member countries (such as Belgium, Switzerland, Spain, Italy, Germany, and Luxembourg) are not subject to immigration inspection when they enter France. French coordination on trafficking with other EU countries is good, but open borders among Schengen members of the EU hinder France's pro-active approach.

14. (SBU) SETTING THE SCENE FOR FRANCE'S ANTI-TIP EFFORTS:

-- A. France recognizes that trafficking is a serious problem and actively works to combat it. France funds anti-trafficking and anti-sex trade awareness campaigns in association with NGOs. In cooperation with the French Soccer Federation, the Ministry of Health launched a campaign to

fight trafficking in women. The campaign sponsored media spots against prostitution to be shown at international soccer games. The Ministry of the Interior funded a publicity campaign of posters depicting a nude woman with a bar code over her. The poster says, "In France today, there are slaves for sale. It exists. Now you know..." In addition, Air France continues to show anti-sex trade films on buses between downtown Paris and major airports while also distributing anti-sex trade pamphlets on flights to sex-tourism destinations. Airports similarly feature anti-trafficking and anti-sex trade posters inside terminals.

-- B. France established an inter-ministerial commission to combat trafficking, which includes France's Central Office for the Repression of Trafficking in Persons (OCRTEH, a division of the National Police in the Central Directorate of the Judicial Police in the Interior Ministry, which takes the lead in anti-trafficking enforcement). OCRTEH coordinates with several government ministries, including Interior, Justice, Education, Tourism, Health and Solidarity, Foreign Affairs, and Employment / Social Cohesion / Lodging. OCRTEH also has strong ties with the anti-pimping brigade of the Paris police. OCRTEH is the operational and political focal point for French anti-trafficking efforts; police units all over the country turn their cases over to OCRTEH if they are found to involve trafficking, and OCRTEH serves as the designated clearing house for inquiries on trafficking issues (for example, the OCRTEH chief testifies before the legislature on trafficking questions). Victims' assistance is primarily handled by NGOs in close association with the French government.

-- C. There were no reports of governmental limitations to address trafficking in persons in France. There were no reports of government corruption in this area during the reporting period.

-- D. Systematic monitoring, prosecution, victim protection and assessments on behalf of the French government are led by OCRTEH.

15. (SBU) INVESTIGATION AND PROSECUTION OF TRAFFICKERS:

-- A. Section A. In 2008, France used its anti-trafficking in persons law (originally written in 2003 and revised in 2007) to secure the extradition of 4 Bulgarian nationals implicated in the smuggling of 72 women into France as part

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of a prostitution ring. France also ratified the Council of Europe Convention on Action Against Trafficking in Persons. The text obligates France to prevent trafficking, aid victims, and bring traffickers to justice. France prohibits trafficking for both sexual and labor exploitation through a 2003 addition to its criminal code. Article 225-4-1 of this code prescribes penalties that are sufficiently stringent and can exceed those for rape. French prosecutors have historically favored the use of anti-pimping statutes (Articles 225-5 through 225-12) instead of the anti-trafficking statute due to a lack of experience in applying the newer, anti-trafficking section of the law. The penalties under the anti-pimping laws are essentially identical to those prescribed under the anti-trafficking law.

In 2008, the Ministry of the Interior trained prosecutors to apply the anti-trafficking provision in trafficking cases instead of relying on anti-pimping laws.

The Council of Europe text can be seen at the address below:
<http://www.coe.int>

Anti-Trafficking Law

The law states, "Human trafficking is in exchange for remuneration or some other benefit or the promise of remuneration or some other benefit, recruiting, transporting, transferring, housing, or otherwise receiving a person to put

that person at one's own disposition or that of a possibly unidentified third party in order to permit the commission of pimping, physical and/or sexual attack, exploitation of indigence, or inhuman work/living conditions in order to compel that person to commit crimes or infractions."

Anti-Pimping / Anti-Soliciting Laws

ARTICLE 225-5

Pimping entails any of the following:

1. Aiding, assisting, or protecting the prostitution of another;
2. Deriving profit from prostitution of another, partaking of the revenue, or receiving payments from a person who habitually engages in prostitution;
3. Hiring, training, manipulating, or compelling a person to engage in prostitution; Pimping is punished by 7 years of imprisonment and a 217,391 USD fine

ARTICLE 225-6

Is similar to pimping and punishable by the penalties listed in article 225-5 and applies to those who engage in any of the following:

- 1: Acting as an intermediary between two people of whom one engages in prostitution and the other who profits from or remunerates prostitution of another;
- 2: Obfuscating a pimp's earnings (via pimping) by providing fictitious justifications for (illicit) revenue;
- 3: Failing to justify one's living standard while cohabitating with a person engaged habitually in prostitution or by being in regular contact with one or several persons regularly engaged in prostitution;
- 4: Hindering prevention, security checks, assistance, or rehabilitation by groups qualified to help persons in danger of prostitution.

ARTICLE 225-7

Pimping is punishable by up to 10 years in prison and up to a 2,173,913 USD fine:

- 1: With regard to minor;
- 2: With regard to a person who is particularly vulnerable, due to age, sickness, infirmity, physical or psychological deficiency or pregnancy that is apparent or known to the offender;
- 3: With regard to multiple people;
- 4: With regard to a person who is enlisted to engage in prostitution either outside of the Republic of France or upon arrival in France;
- 5: By a natural or adoptive relative of the person who prostitutes themselves or by a person who has authority over the other or abuses the authority conferred by a position;
- 6: With regard to an official mandated by their function to participate in the fight against prostitution, promoting health, or maintaining public order;
- 7: With regard to a person that carries a firearm;
- 8: With regard to using force, violence, or coercion;
- 9: With regard to multiple people who act as accomplices or with complicity, without constituting an organized gang;
- 10: With regard to the use of a telecommunication network for the diffusion of a message directed at an unspecified

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public audience.

ARTICLE 225-7-1

Pimping is punishable by up to 15 years of imprisonment and up to a 4,347,826 USD fine when it is undertaken with a minor 15 years of age or under.

ARTICLE 225-8

Pimping as described by article 225-7 is punishable by up to 20 years in prison and up to a 4,347,826 USD fine when committed by an organized gang.

ARTICLE 225-9

Pimping involving torture is punishable by up to life imprisonment and up to a 6,521,739 USD fine.

ARTICLE 225-10

It is punishable by up to 10 years of imprisonment and up to a 1,086,956 USD fine when someone directly or indirectly:

1: Detains, manages, exploits, directs, facilitates, finances, or contributes to the financing of a prostitution establishment;

2: Detains, manages, exploits, directs, facilitates, finances, or contributes to the financing of any establishment which is open to the public or is used by the public to accept or habitually tolerate one or many people who prostitute themselves inside the establishment or in one of its annexes or who seek out clients for prostitution;

3: Selling or making available unused areas for the purpose of facilitating prostitution;

4: Selling, renting, or making available vehicles for the purpose of facilitating prostitution.

ARTICLE 225-10-1

The act, by any means, including passively, of soliciting another with the goal of eliciting sexual relations in exchange for remuneration or the promise of remuneration is punishable by up to two months in prison and up to a 5,434 USD fine.

ARTICLE 225-11

Attempts to commit the crimes designated in this section have the same punishments.

ARTICLE 225-12

Morally culpable persons can be declared legally responsible according to the conditions designated by article 121-2, for the infractions defined by articles 225-5 to 225-10. The punishments encouraged by morally culpable persons are:

1: Fine according to the form designated in articles 131-138;

2: The punishments mentioned in article 131-39.

-- B. Human trafficking is punishable by up to 7 years of imprisonment and a 220,588 USD fine. The penalties for pimping and trafficking are basically identical. The government reported 500 pimping arrests and prosecutions in 2008, but it is unclear how many of these are trafficking cases, since the government does not disaggregate such data by specific crimes committed under the general heading of pimping.

-- C. The penalties for trafficking for labor exploitation are the same as those for trafficking for sexual exploitation. One NGO reports that there have been instances of such exploitation by diplomats serving in France. According to the Committee Against Modern Slavery, 164 cases of labor exploitation were reported in France in 2008.

-- D. Article 222 of the French penal code prescribes penalties of up to seven years in prison for sexual assault. These are comparable to trafficking and pimping laws.

-- E. French government data do not make clear how many arrests and prosecutions were for trafficking in persons-related offenses. However, OCRTEH reported that 30 trafficking networks were dismantled in France in 2008. France continues to prosecute individuals who violate French labor practices by abusing or threatening employees or by withholding wages. Local work inspection offices offer advice to employees.

-- F. The government through OCRTEH and through the Ministry of Social Action funds training programs for government employees and NGOs. OCRTEH combats trafficking through investigations, training, and public/NGO outreach. OCRTEH actively sought to train prosecutors and judges on use of the anti-trafficking statute, which was revised in 2007. OCRTEH,

along with DGAS (the Ministry of Social Action), trains police on identifying victims of trafficking. OCRTEH began training hotel managers and employees on suspicious activity that they should report. The DGAS spent 30,000 dollars on programs to train social workers on the needs of trafficking victims. French NGOs also assist in providing training to police. The French Ministry of Economy, Industry, and Employment has decided to create and distribute pocket-sized cards to border police and NGOs on how to correctly identify trafficking victims.

-- G. France works closely with other EU countries and source countries to combat trafficking. The OCRTEH currently has three teams of police that work with other EU member states on trafficking cases. The French government has officials in 90 embassies around the world who function as a liaison with the host government on trafficking issues. In addition, there are also French police officers in embassies in source countries who work on trafficking in persons issues. In 2008, France began work on a judicial agreement with Nigeria and Cameroon, two major source countries for trafficking in persons to France. In October 2008, the French Ministry of Interior and its Belgium equivalent created a joint investigation unit to combat human trafficking, which was the first of its kind within the EU system.

-- H. The French government used its anti-trafficking in persons law (which was originally written in 2003 and revised in 2007) to secure the extradition of four Bulgarian nationals implicated in the smuggling of 72 women into France as part of a prostitution ring. France extradites persons charged with trafficking to other countries; however, the extradition process can be long and cumbersome. Within the EU, French authorities prefer to use EU arrest warrants, which take four days to execute, do not depend on an examination of local law, and permit expeditious transfer of custody among member states. France also extradites French citizens abroad to face trafficking charges.

-- I - J. There was no evidence of government involvement in or tolerance of trafficking during the reporting period.

-- K. Prostitution in France is legal; however, pimping and soliciting are illegal. The legal minimum age for sexual consent is 15 years, with 18 years being the age of majority. Laws against pimping are strictly enforced. Law enforcement contacts report that the anti-soliciting law is used as a means to evaluate the situation of prostitutes and screen for potential victims of trafficking. In 2008, The Ministry of Interior launched an initiative to create a map of prostitution networks in France in order to have data to visually identify and dismantle potential trafficking networks. The government reported two trafficking networks were dismantled due to this advancement.

-- L. Around 13,000 to 16,000 French troops are deployed abroad every year to participate in peacekeeping operations. In cases of sexual abuse by soldiers and peacekeepers abroad, the French government has investigated and prosecuted offenders.

-- M. France prosecutes French nationals who travel abroad to engage in sexual tourism. French police travel to child sex destination countries to investigate reports of child sexual exploitation abroad and to investigate French nationals suspected of this criminal activity. On August 28, French police arrested suspected pedophile Jean-Pierre Stacino -* a professor at a Toulouse high school -* in Paris on his return from a one-month trip to Burma and Thailand, ending a six-month inquiry. Stacino was officially indicted on September 2 for "sexual attacks against minors over and under the age of 15, prostitution, corruption of minors, and possession of pornographic materials."

16. (SBU) PROTECTION AND ASSISTANCE TO VICTIMS:

-- A. Section A. France provides one-year residency cards to

victims of trafficking, which can be renewed every six months. France also allows a 30-day reflection period after gaining shelter. This reflection period helps victims to reflect on their situation and decide on a course of action. In 2008, the Paris Police Prefecture reported that it issued 92 residency permits to undocumented immigrants believed to have been victims of trafficking. NGOs express frustration with the fees required for the residency permit and renewal of the permit. The residency permit granted to the victims costs 407 USD and 103 USD to renew it every six months. The validation tax for the visa costs 177 USD.

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-- B - C. The French government depends on NGOs to assist trafficking victims; however, the government provides funding to victims and to the NGOs. Victims are given a stipend of 464 dollars/month in addition to medical care, legal counsel, shelter, and psychological counseling. The government does not release complete figures on how much it contributes to these NGOs every year, but contacts at AcSe, an NGO that shelters victims, reported that it received 264,700 USD from the French government and 30,000 USD from Paris city government in 2007. Many NGOs complain that the system for taking in victims is not centralized and depends on relationships between the NGOs and local governments. Since shelters are found in large cities, victims in small towns do not have the same access to shelters as those in larger cities. In addition, victims who are identified in small towns where the police might not fully understand immigration or criminal law, experience hurdles in managing the bureaucratic red tape they face. It is difficult to get a reliable, total number of forced labor victims taken into care in 2008 because individual NGOs work on a case-by-case basis. According to the Committee Against Modern Slavery, 164 cases of forced labor were reported in France in 2008. In cases where the victim will be repatriated to their home country, France works with the country to ensure safety and provides funding (close to 3,000 USD) for medical care in the home country.

-- D - F. France protects victims of trafficking; however, case-specific protection must be authorized by a judge. This protection consists of two forms: a complete 24-hour-a-day protection for victims who will testify or a mixed protection program in which police work with NGOs to assure the protection of victims. France does not have a far-reaching protection program like the U.S. Once a trafficking victim is identified by the police or social services to the NGOs that work with the victims, the individual is given shelter, access to legal counsel, food, and medical care. In order to qualify for the more robust victim program, victims must fulfill certain criteria (e.g., be a primary witness, be essential to the outcome of the trial, etc.). For an individual to receive a residence permit, they must work with police to prosecute the traffickers. The French government does not report the numbers of residence cards given each year. The government provides training through the Ministry of Social Action to NGOs and social workers to help victims of trafficking. Specifically, France works with the Association ALC, the Committee Against Modern Slavery, and L'amicale du NID to shelter and aid victims.

-- G. The Government of France identified 1,300 as likely victims of human trafficking in 2008.

-- H. The French Ministry of Economy, Industry, and Employment has decided to create and distribute pocket-sized cards to border police and NGOs on how to correctly identify trafficking victims. Issues of victim identification and assistance are answered in part D - F.

-- I - J. There is evidence that victims may be inadvertently penalized for unlawful acts that were committed as a direct result of being trafficked. NGOs reported that women in prostitution are sometimes arrested and fined for

solicitation without being screened to determine whether they are trafficking victims. To victims of trafficking who work with police to prosecute traffickers, the Government of France provides witness protection services and issues one-year residence cards that can be renewed every six months.

-- K. French military personnel receive training on trafficking and sexual abuse during their basic training. There is also a three-week training course given to peacekeepers before their departure. During this course, instructors recount problems of sexual abuse and exploitation, and soldiers are given a card that reminds them of international human rights. France also supplies a legal advisor to deployed units, and this officer doubles as a human rights officer. In this position, the officer assures that troops respect international norms and human rights. The French NGO Amicale du Nid reported that it is currently working with the Ministry of Defense to organize more specific trafficking training. The French government has officials in 90 embassies around the world who act as a liaison with the host government on trafficking issues. In addition, there are also French police officers in embassies in source countries who work on trafficking in persons issues. The French Ministry of Economy, Industry, and

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Employment decided in 2008 to create and distribute pocket-sized cards to border police and NGOs on how to correctly identify trafficking victims.

-- L. There were no reports of French nationals as trafficking victims during the reporting period.

-- M. NGOs and the French government work very closely to combat trafficking. Specifically, France works with the Association ALC, the Committee Against Modern Slavery, and L'amicale du NID to shelter and aid victims. The government has a working group to combat trafficking. OCRTEH also works with immigration officials to report increases in trafficking and to combat trafficking.

17. (U) PREVENTION:

-- A. France recognizes that trafficking is a serious problem and actively works to combat it. France funds anti-trafficking and anti-sex trade awareness campaigns in association with NGOs. In cooperation with the French Soccer Federation, the Ministry of Health launched a campaign to fight trafficking in women. The campaign sponsored media spots against prostitution to be shown at international soccer games. The Ministry of the Interior funded a publicity campaign of posters depicting a nude woman with a bar code over her. The poster says, "In France today, there are slaves for sale. It exists. Now you know..." In addition, Air France continues to show anti-sex trade films on buses between downtown Paris and major airports while also distributing anti-sex trade pamphlets on flights to sex-tourism destinations. Airports similarly feature anti-trafficking and anti-sex trade posters inside terminals.

-- B. The Government of France does not have a designated border-monitoring unit that focuses specifically on trafficking in persons. But border officials are trained to spot trends in trafficking in persons, as well as organized crime and narcotics.

-- C. NGOs and the French government work very closely to combat trafficking. The government has a working group to combat trafficking, and OCRTEH also works with immigration officials to report increases in trafficking and to combat trafficking. During the reporting period and for the third year in a row, the government sponsored a nationwide conference that brought together enforcement officials, magistrates, and NGOs to discuss how better to improve communication and cooperation in protecting victims and

preventing trafficking. On May 29-30, the Government of France organized a seminar during its presidency of the EU to focus on trafficking in persons. Minister of Interior Michele Alliot-Marie asked EU partners for better coordination in the fight against trafficking. All of these factors lead post to believe that the national dialogue on TIP and prostitution have become becoming increasingly important in France.

-- D. On December 2, the ministers of interior and justice established a multidisciplinary working group to create a national action plan on the protection of trafficking victims. The group, composed of experts from French government ministries and European NGOs, has planned to meet on a regular basis to define the structure of a national coordination plan to place trafficking victims at the center of the fight against organized crime. The national action plan focuses on procedures to combat trafficking. Government offices also meet with NGOs under the aegis of Cooperation Committee Against Sexual Exploitation to develop new proposals and encourage best practices that would update a 2002 national action plan to fight trafficking.

-- E - F: The French government continues to fund programs through airlines and tourism operators describing the penalties for child sex tourism. Pamphlets given to tourists show a picture of a child and the message, "she is not merchandise." The OCRTEH reported that The Ministry of Foreign Affairs researches and reports on indicators of child sex tourism abroad. These data are used to warn French tourists of child sex tourism sites and to monitor increases in sexual tourism. All Air France buses between Paris and the two Paris airports broadcast a video alerting tourists that their actions on foreign soil are subject to prosecution in France. Club Med sends tourists traveling with their company to source countries documents detailing the penalties for engaging in sex with a minor. All tourism students in France must do course work on sex tourism. Students in French middle schools are also taught about the dangers of

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internet chat rooms and sexual predators.

-- G. French military personnel receive training on trafficking and sexual abuse during their basic training. There is also a three-week training course given to peacekeepers before their departure. During this course, instructors recount problems of sexual abuse and exploitation, and soldiers are given a card that reminds them of international human rights. France also supplies a legal advisor to deployed units, and this officer doubles as a human rights officer. In this position, the officer assures that troops respect international norms and human rights. The French NGO Amicale du Nid reported that it is currently working with the Ministry of Defense to organize more specific trafficking training.

PEKALA